

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LORENZO WOOD, JR.,

Plaintiff,

-vs-

Case No. 13-CV-281

PATRICIA BILLINGS and SUE NEIL,

Defendants.

**DECISION AND ORDER
AMENDED SCHEDULING ORDER**

On October 29, 2014, the Court granted the plaintiff's motion to stay this case until his release from the hospital following hip replacement surgery. The plaintiff has filed a letter advising the Court that he can now proceed with his case and requesting that the Court lift the stay (ECF No. 61). The Court will grant this request.

In his letter, the plaintiff also requests that the Court reconsider its September 8, 2014, denial of his motion to appoint counsel. The plaintiff does not set forth any arguments in support of his request, and he also states that a "formal motion for appointment will follow this motion and letter." Based on the plaintiff's failure to include any arguments, the Court will deny his request for reconsideration and await the plaintiff's formal motion for appointment of counsel.

On February 27, 2015, the plaintiff filed a motion for summary judgment and supporting brief (ECF Nos. 62-63). He seeks summary judgment based on the complaint allegations. The plaintiff did not file any evidentiary materials in support of his motion; the complaint is not

verified. In response, the defendants have filed a motion for summary denial of the plaintiff's motion for summary judgment because it does not comply with Civil Local Rule 56(b)(1)(C) (ECF No. 64.). Alternatively, the defendants request that the Court order the plaintiff to supplement his summary judgment with materials required by Local Rule 56(b)(1)(C) and any evidentiary materials, and allow them to respond within the time lines set by the standard Eastern District briefing schedule.

A party moving for summary judgment must include "a statement of proposed material facts as to which the moving party contends there is no genuine issue and that entitle the moving party to judgment as a matter of law." Civil L.R. 56(b)(1)(C) (E.D. Wis.). Not providing the statement is grounds to deny the motion. Civil L.R 56(b)(1)(C) (E.D. Wis.).

Here, the plaintiff has not submitted a statement of proposed material facts in compliance with the Local Rules. Therefore, the Court will deny without prejudice the plaintiff's motion for summary judgment. *See McNeil v. United States*, 508 U.S. 106, 113 (1993); *Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008).

Lastly, the Court will set forth deadlines for the completion of discovery and for filing dispositive motions. The Court will also send the plaintiff a *pro se* guide, Answers to Prisoner Litigants' Common Questions.

ORDER

IT IS THEREFORE ORDERED that the plaintiff's motion for reconsideration (ECF No. 61) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk's Office lift the stay imposed in this case on October 29, 2014.

IT IS FURTHER ORDERED that the plaintiff's motion for summary judgment (ECF No. 62) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the defendants' motion for summary denial of plaintiff's motion for summary judgment (ECF No. 64) is **GRANTED**.

IT IS FURTHER ORDERED that the Amended Scheduling Order be entered as follows: the deadline for the completion of discovery is **August 3, 2015**, and the deadline for filing dispositive motions is **September 4, 2015**.

IT IS FURTHER ORDERED that the Clerk's Office mail the plaintiff a *pro se* guide, Answers to Prisoner Litigants' Common Questions.

Dated at Milwaukee, Wisconsin, this 9th day of April, 2015.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge